

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 576

Introduced by Schellpeper, 18; Janssen, 15

Read first time January 19, 1999

Committee: General Affairs

A BILL

1 FOR AN ACT relating to gambling; to amend section 9-829, Reissue
2 Revised Statutes of Nebraska, and section 77-3001,
3 Revised Statutes Supplement, 1998; to eliminate a
4 restriction on the sale of lottery tickets; to redefine a
5 term; to harmonize provisions; and to repeal the original
6 sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 9-829, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 9-829. A lottery game retailer shall sell tickets only
4 on the premises stated in the contract. No ticket shall be sold
5 over a telephone or through the mail. No credit shall be extended
6 by the lottery game retailer for the purchase of a ticket. ~~No~~
7 ~~lottery tickets shall be sold through a vending or dispensing~~
8 ~~device.~~

9 Sec. 2. Section 77-3001, Revised Statutes Supplement,
10 1998, is amended to read:

11 77-3001. For purposes of the Mechanical Amusement Device
12 Tax Act, unless the context otherwise requires:

13 (1) Person means an individual, partnership, limited
14 liability company, society, association, joint-stock company,
15 corporation, estate, receiver, lessee, trustee, assignee, referee,
16 or other person acting in a fiduciary or representative capacity,
17 whether appointed by a court or otherwise, and any combination of
18 individuals;

19 (2) Mechanical amusement device means any machine which,
20 upon insertion of a coin, currency, credit card, or substitute into
21 the machine, operates or may be operated or used for a game,
22 contest, or amusement of any description, such as, by way of
23 example, but not by way of limitation, pinball games, shuffleboard,
24 bowling games, radio-ray rifle games, baseball, football, racing,
25 boxing games, and coin-operated pool tables. Mechanical amusement
26 device also includes game and draw lotteries and coin-operated
27 automatic musical devices. The term does not mean vending machines
28 which dispense tangible personal property, devices located in

1 private homes for private use, pickle card dispensing devices which
2 are required to be registered with the Department of Revenue
3 pursuant to section 9-345.03, devices which dispense lottery
4 tickets under the State Lottery Act, or devices which are
5 mechanically constructed in a manner that would render their
6 operation illegal under the laws of the State of Nebraska;

7 (3) Operator means any person who operates a place of
8 business in which a machine or device owned by him or her is
9 physically located or any person who places and who either directly
10 or indirectly controls or manages any machine or device;

11 (4) Distributor means any person who sells, leases, or
12 delivers possession or custody of a machine or mechanical device to
13 operators thereof for a consideration either directly or indirectly
14 received;

15 (5) Whenever in the act, the words machine or device are
16 used, they refer to mechanical amusement device; and

17 (6) Whenever in the act, the words machine, device,
18 person, operator, or distributor are used, the words in the
19 singular include the plural and in the plural include the singular.

20 Sec. 3. Original section 9-829, Reissue Revised Statutes
21 of Nebraska, and section 77-3001, Revised Statutes Supplement,
22 1998, are repealed.